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Attorneys for Defendants

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF UTAH - CENTRAL DIVISION

SOUTHERN UTAH WILDERNESS
ALLIANCE,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF THE
INTERIOR, UNITED STATES BUREAU
OF LAND MANAGEMENT, and PAUL N.
BRIGGS, in his official capacity as Cedar
City Field Office Manager,

Defendants.

Civil No. 2:17-cv-01166 JNP-DBP

**MOTION TO DISMISS FOR
MOOTNESS AS TO CLAIMS II AND III
IN PLAINTIFF'S OPENING BRIEF**

Honorable Jill N. Parrish
Magistrate Judge Dustin B. Pead

SECOND DECLARATION OF PAUL BRIGGS

I, Paul N. Briggs, offer this declaration pursuant to 28 U.S.C. §1746.

1. I am employed by the U.S. Department of Interior, Bureau of Land Management (BLM), Cedar City Field Office in Cedar City, Utah as the Field Manager. I have held this position since July 23, 2017. Prior to that time, I was the Fuels Program Manager for the Color Country District based in Cedar City, Utah. I have worked for the BLM for over 30 years in a variety of resource and managerial/leadership positions.
2. On August 1, 2017, as the Responsible Official, I signed the Determination of NEPA

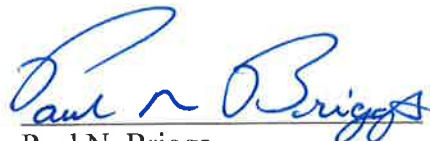
Adequacy, DOI-BLM-UT-C010-2017-0037-DNA, for the vegetative treatment projects in the Indian Peak and Stateline project areas.

3. On December 18, 2017, the chaining work for the Indian Peak project area was completed.
4. On February 8, 2018, the bull hog work for the Stateline project area was completed.
5. On March 12, 2018, my staff informed the Office of the Regional Solicitor that this work had been completed.
6. On March 28, 2018, as the Responsible Official, that signed the Determination of NEPA Adequacy (DNA), DOI-BLM-UT-C010-2017-0037-DNA, I determined that the Indian Peak bull hog project was no longer in effect and that no other vegetative treatment work would be authorized for that project area until new NEPA review or analysis was completed and a decision record had been issued.
7. I and my office have since committed that NEPA analysis, consisting of at least an Environmental Assessment (EA), not just NEPA review, will be completed and published with a Decision Record before the first new site-specific project is initiated on the ground in the greater Hamlin Valley area covered by the earlier June 2014 Hamlin Valley Resource Protection and Habitat Improvement Project Environmental Assessment (the 2014 EA) (the Hamlin Valley project area).
8. On May 5, 2018, my staff initiated a new review of potential remaining site-specific treatment areas within the Hamlin Valley project area and included them in the forthcoming EA.
9. On July 1, 2018, a project ID Team was assembled and conducted its initial assessments, which represents the formal beginning of the EA review of the potential remaining site-

specific treatment areas. However, due to wildfire assignments and other priority workload, further progress has not been made on the EA at this time. In the interim, my office will continue to abide by the statements made in my original declaration as herein further narrowed and not undertake any work in the Hamlin Valley project area until a new EA is completed and a Decision Record is issued. *See* ECF No. 51-1 at ¶ 6.

I declare, under the penalty of perjury, that the foregoing is true and correct.

Dated: August 14, 2018


Paul N. Briggs
BLM Cedar City Field Manager